

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PATRICIA MEDINA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1: 21-cv-01441-SAB

ORDER APPOINTING PATRICIA MEDINA
GUARDIAN AD LITEM FOR PLAINTIFF
I.I.M.

(ECF Nos. 4, 5)

On September 27, 2021, Patricia Medina filed this action on behalf of Plaintiff I.I.M. (“Plaintiff”), a minor, seeking judicial review of a final decision of the Commissioner of Social Security (“Commissioner” or “Defendant”) denying an application for disability benefits pursuant to the Social Security Act. (ECF No. 1.) On September 29, 2021, the Court ordered Plaintiff to either file evidence that a representative had been appointed under state law, or file a petition for appointment of a guardian ad litem. (ECF No. 4.) On October 13, 2021, Plaintiff filed a petition to appoint Patricia Medina as guardian ad litem for I.I.M. (ECF No. 5.)

Pursuant to Rule 17 of the Federal Rules of Civil Procedure, a representative of a minor or incompetent person may sue or defend on the minor or incompetent person’s behalf. Fed. R. Civ. P. 17(c). This requires the Court to take whatever measures it deems appropriate to protect the interests of the individual during the litigation. United States v. 30.64 Acres of Land, More or Less, Situated in Klickitat Cty., State of Wash., 795 F.2d 796, 805 (9th Cir. 1986). The

1 appointment of the guardian ad litem is more than a mere formality. Id. “A guardian ad litem is
 2 authorized to act on behalf of his ward and may make all appropriate decisions in the course of
 3 specific litigation.” Id. A guardian ad litem need not possess any special qualifications, but he
 4 must “be truly dedicated to the best interests of the person on whose behalf he seeks to litigate.”
 5 AT&T Mobility, LLC v. Yeager, 143 F.Supp.3d 1042, 9 (E.D. Cal. 2015). This means that the
 6 guardian ad litem cannot face an impermissible conflict of interest with the ward and courts
 7 consider the candidate’s “experience, objectivity, and expertise” or previous relationship with the
 8 ward. Id. (citations omitted).

9 “[W]hen a parent brings an action on behalf of a child, and it is evident that the interests
 10 of each are the same, no need exists for someone other than the parent to represent the child’s
 11 interests under Rule 17(c).” Gonzalez v. Reno, 86 F.Supp.2d 1167, 1185 (S.D. Fla.), aff’d sub
 12 nom. Gonzalez v. Reno, 212 F.3d 1338 (11th Cir. 2000). While a parent is generally appointed
 13 as a guardian ad litem, there are situations where the best interests of the minor and the interests
 14 of the parent conflict. Anthem Life Ins. Co. v. Olguin, No. 1:06-CV-01165 AWINEW, 2007
 15 WL 1390672, at *2 (E.D. Cal. May 9, 2007). Therefore, a parent is not entitled as a matter of
 16 right to act as guardian ad litem for the child. Id., at *2.

17 The Court has considered the petition of Patricia Medina for appointment as guardian ad
 18 litem for I.I.M., and finds that no conflict that would preclude her serving as a guardian ad litem
 19 for I.I.M. (ECF No. 5.) The filing indicates I.I.M. is the daughter of Patricia Medina, and that
 20 Ms. Medina has been the guardian and representative throughout the administrative proceedings.

21 Accordingly, IT IS HEREBY ORDERED that PATRICIA MEDINA is appointed
 22 guardian ad litem for minor I.I.M.

23
 24 IT IS SO ORDERED.

25 Dated: October 13, 2021


 UNITED STATES MAGISTRATE JUDGE